

Index File

Application No. UP-679-05

Tracey A. Smith

Application No. UP-679-05 is a request for a two-element Special Use Permit: to authorize a private kennel, and for a pet grooming salon as a home occupation a within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road.

The staff is recommending denial of the private kennel and is recommending approval of the home occupation pet grooming salon.

Attachments:

1. Staff report
2. Zoning map
3. Applicant narrative
4. Survey
5. Floor plan
- 6.. Room sketch
- 7.. Contact log
8. Proposed Resolution No. PC05-36 (approve staff recommendations)
9. Proposed Resolution No. PC05-39 (approve both elements)

COUNTY OF YORK

MEMORANDUM

DATE: October 4, 2005 (PC Mtg. 10/12/05)
TO: York County Planning Commission
FROM: Earl W. Anderson, Planner
SUBJECT: Application No. UP-679-05, Tracey A. Smith

ISSUE

Application No. UP-679-05 is a request for a two-element Special Use Permit, pursuant to Sections 24.1-306 (Category 2, Number 6) and 24.1-283 of the York County Zoning Ordinance, to authorize a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24 & 36A-1-23A.

DESCRIPTION

- Property Owner: Patrick M. and Tracey A. Smith
- Location: 106 Rich Road (Route 680)
- Area: 0.86 acre
- Frontage: 125 feet along Rich Road
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: GB - General Business
- Zoning Classification: R20 - Medium density single-family residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Mobile home park
 - East: Single-family detached home
 - South: Three single-family detached homes across Rich Road
 - West: Single-family detached home
- Proposed Development: Private kennel for twelve (12) dogs and a pet grooming salon as a home occupation

CONSIDERATIONS/CONCLUSIONS

1. The applicant lives in the Rich Acres subdivision and wishes to operate a private kennel for twelve (12) dogs that she owns, breeds, and shows, as well as a pet grooming salon as a home occupation. Section 24.1-306 (Category 2, Number 6) and 24.1-283 of the Zoning Ordinance both require a Special Use Permit for the private kennel and any home occupations with on-premises retail sales, personal services, or customer/client contact.
2. Under the terms of the York County Zoning Ordinance, a private kennel is defined as "Any land or structure used for the keeping, breeding, or care of five (5) or more canines, felines, or hybrids of either, which are over six months of age and which belong to the owner of the premises and which are kept for the purpose of showing, hunting, or as household pets." The applicant currently owns, breeds, and cares for twelve (12) dogs on the property. A Special Use Permit is being requested in order to allow for her to continue care for these twelve (12) animals in conformance with the Zoning Ordinance requirements. The applicant and her husband purchased the home in the Rich Acres subdivision in June 2005 and were unaware of the private kennel requirements until she made application for the pet grooming salon.
3. The Zoning Ordinance under Section 24.1-417 sets out standards for private kennels. These standards ensure that animals are kept in pens and that runs are set back fifty feet (50') from any residential lot lines. In addition, such runs or pens are to be screened and buffered to reduce the visual and aural impact on any adjacent properties. The sketch plan submitted by the applicant shows that a 65-foot by 25-foot (1,625 square feet) run for the dogs will be located in the rear of the yard and will meet the 50' setback requirement. A six-foot (6') wooden privacy fence encompasses the entire back yard, except to the east where the applicant will replace existing chain link fencing with a six-foot (6') wooden privacy fence. Additionally, the applicant's letter states that the dogs would be allowed in the runs between the hours of 7:00 AM to 8:15 AM, 1:00 PM to 5:00 PM, and 6:00 PM to 9:00 PM.
4. Section 24.1-281 of the Zoning Ordinance specifies a series of performance standards that apply to home occupations in general, and Section 24.1-283(b) sets forth additional standards that apply specifically to those home occupations for which a use permit is required. The purpose of these standards is to limit the size, scale, and visibility of home occupations in order to ensure that they remain incidental and subordinate to the residential use of the property and to prevent adverse impacts on surrounding homes. Pursuant to these standards, home occupations are not permitted to occupy more than 25% of the floor area of the residence or 400 square feet, whichever is less. The applicant's home has 2,650 square feet of floor area, and she has indicated that the pet grooming salon will be limited to 450 square feet within one room (17% of the floor area of the home). The proposed area for the home occupation exceeds the standards set for these uses; however, the Board of Supervisors is authorized to approve deviations from this standard through the use permit process. Since the proposed increase is only 50 square feet and the use would still occupy well under 25% of area of the home, staff believes the increased area would be acceptable.

5. The Zoning Ordinance also limits the hours of operation to a period between 8:00 AM and 8:00 PM, Monday through Saturday, unless otherwise specified by the Board through a use permit condition. The applicant's proposed hours of operation will be limited to Monday through Friday, between the hours of 8:30 AM and 5:30 PM, with case-by-case private appointments only between 5:30 PM and 8:00 PM. The applicant has proposed no weekend operation hours.
6. The applicant will be the sole operator of the business, performing pet grooming services for customers. Only one by-appointment customer is proposed to be seen at any one time by the applicant. However, there might be situations where another client arrives prior to the departure of the client being served. For this reason, a proposed condition has been included in the approving resolution specifying that only one customer may be served at one time.
7. The subject property can accommodate both the residential parking requirement (two spaces) and the off-street parking demand generated by the proposed pet grooming salon (two spaces). The home has a circular driveway with a parking area measuring approximately 20 feet in width and 30 feet in length with additional parking in the driveway (approximately 10 feet wide by 100 feet in length). Since the minimum parking space dimensions in York County are 9 feet by 18 feet, the parking areas can accommodate approximately four cars.
8. Section 24.1-281(e) of the Zoning Ordinance states that home occupations "shall not generate traffic, parking, sewerage or water use in excess of that which is normal in the residential neighborhood." By their nature pet grooming salons typically involve more water use than an ordinary home. However, since this property is served by public water and sewer, staff feels that the impact of additional water use is not of concern.
9. Property within the Rich Acres subdivision is not subject to any homeowners' covenants, nor does it fall under the jurisdiction of an established homeowners' association.

RECOMMENDATION

Rich Acres is an established single-family neighborhood. The nearest house is over 100 feet from the proposed run location. Even though the applicant has taken measures to reduce barking and odor problems, some impacts can be anticipated when the dogs are kept outside and confined to a space of 1,625 square feet. The typical half- and three quarter-acre lots found in the subdivision do not lend themselves to keeping a large number of pets. The Zoning Ordinance recognizes that medium density single-family developments may be an inappropriate place to care for numerous animals and requires Special Use Permit review. Private kennels are allowed as a matter of right in the Resource Conservation and Rural Residential zoning districts where minimum lot sizes are five (5) acres and one (1) acre, respectively. While a private kennel could be appropriate on a large lot located in an R20 zoning district, staff does not believe this to be an appropriate location given the proximity of the other residences.

The proposed home occupation is a small-scale operation and is not likely to have any adverse impacts on the surrounding area. Staff is confident that the proposed conditions prohibiting non-resident employees and limiting the hours of operation are sufficient to ensure that it remains a small-scale operation, consistent with the intent of the home occupation provisions of the Zoning Ordinance.

For the reasons stated above, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of denial for the private kennel and approval of the home pet grooming salon subject to the conditions contained in proposed Resolution No. PC05-36. Staff has also included Resolution No. PC05-39 should the Commission wish to approve both elements of the Special Use Permit request.

EWA

Attachments

- Zoning map
- Applicant narrative
- Survey
- Floor plan
- Room sketch
- Contact log
- Proposed Resolution No. PC05-36
- Proposed Resolution No. PC05-39

APPLICANT

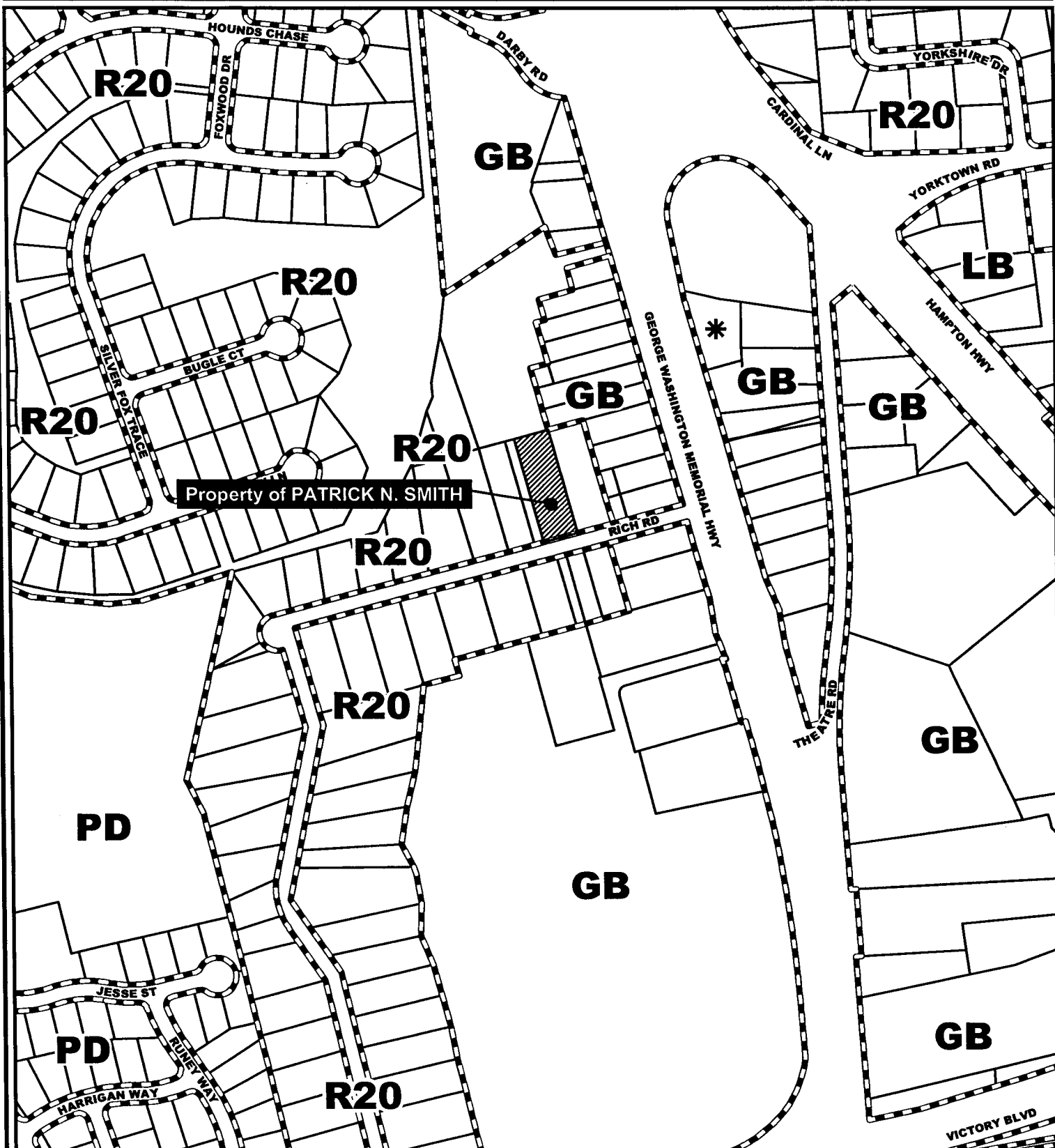
Tracey A. Smith

To establish a pet grooming salon as a home occupation
within a single detached dwelling

106 RICH RD

ZONING MAP

APPLICATION NUMBER: UP-679-05



* = Conditional Zoning

0 225 450 900 Feet

Printed on August 15, 2005



LIBRARY TILE NUMBER:

Lr016

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

RECEIVED

SEP 9 2005

PLANNING DIVISION
COUNTY OF YORK

Tracey Smith
106 Rich Road
Yorktown, VA 23693
757-867-7233

Pet Grooming Hope Occupation Use

I am proposing to open a low volume grooming shop in an unused room in our house. The size of the room is appropriate for this use.

I intend to build a small half-wall inside the door with a swing gate to prevent client's pets from escaping should the door be opened while I am opening a crate door.

In the beginning business will be very slow as it is being built, and I don't expect to groom more than 3-4 dogs a week. As business builds and we hit the busy seasons, I will hopefully have built up to doing 4-6 dogs a day on a staggered basis.

I would intend to bring in the first dog at 8:30am, and finish it off by 9:30, at which time the owner would pick up and another client would be dropping off.

I would like to set up my shop hours to be Monday-Friday 8:30-5:30, with private appointments after 5:30, but before 8pm on a case by case basis.

I have no desire to be a big volume groomer churning out 15-20 dogs a day. I want to give personal individual attention to each client who walks in the door, and have the pet spend as little time away from home or in a crate at my house.

I do feel there is a great need in Yorktown for another pet groomer, as well as one offering the service I can provide. A quiet environment with minimal exposure to other animals, personal attention to the individual pets needs and requirements and dedication to the safest grooming experience possible.

The products I use for shampoos are 100% biodegradable, none harmful to septic or waste systems, hypo-allergic and safe for cats and dogs. There are no harmful chemicals or products used during the grooming sessions. Should a pet have an accident while in a crate, it is immediately cleaned up and the crate sanitized. Each crate is also cleaned after the pet leaves, and no animals share toys, towels or water bowls.

Private Kennel Use

Additionally I would like to apply for a private kennel permit for my personal dogs. I have been involved in raising, training and showing Chinese Cresteds and Miniature Pinschers for over 7 years. I participate in approximately 2 dog shows per month, some times more, traveling across the country. I in fact, bred and own the youngest Chinese Crested ever invited to the Eukunaba Classic Dog show held in Tampa, Florida.

I am an active member in good standing with the Miniature Pinscher Club of America, the Northeast Florida Toy Dog Club, and in the process of becoming a member of the Chinese

Crested Club of America. Each of these clubs has very strict rules of conduct concerning care, breeding, placement of pets and decorum of exhibitors.

At this time I own four Chinese Crested ranging in age from 5 months old to 3 years old. Additionally I own 6 Miniature Pinschers aged 10 months to 8 years of age.

All of my dogs are housed inside the house in their own room, which is set up with hot/cold running water, washer and dryer, dog beds, toys and their sleeping crates. During the day while I am at work, or at other times when we can not be home with the dogs they are crated. They also sleep in their crates at night for their safety.

My dogs are kept on a fairly tight schedule for exercise and play time. They are fed at 7am each morning, then taken out for play time in their run until 8:15 when they are brought back in to nap while I go to work.

When I return from work between 2 and 3pm they are taken back out again to play until 5pm. They come back inside to eat dinner, then get to go out to play again from 6pm until 9pm at which time they go to bed.

On days where I am not working (Thursday, Saturday and Sunday), I extend the early afternoon play time from about 1pm until 5pm.

When the weather turns cold or if it's raining or too hot, the dogs spend more time inside. The Chinese Crested in particular can't tolerate the cold.

The dogs run area is "poop scooped" on a daily basis with the waste being bagged and placed in the garbage. Frontline, a flea and tick preventative is used monthly, as well as Heartguard to prevent internal parasites. I attempt to keep their area as sanitary as possible to prevent and outbreak of internal or external parasites. Additionally the dogs are all vaccinated according to vet recommendations.


Several of the dogs have had a surgical procedure called de-barking, which basically turns down the volume and pitch of their bark. It is a very easy surgery requiring no over night stay at the vet, they come home able to resume normal activity the next day, and generally don't even notice it's been done. It is less invasive then a spay of a female. I plan on having more of the dogs done over the course of 6 months.

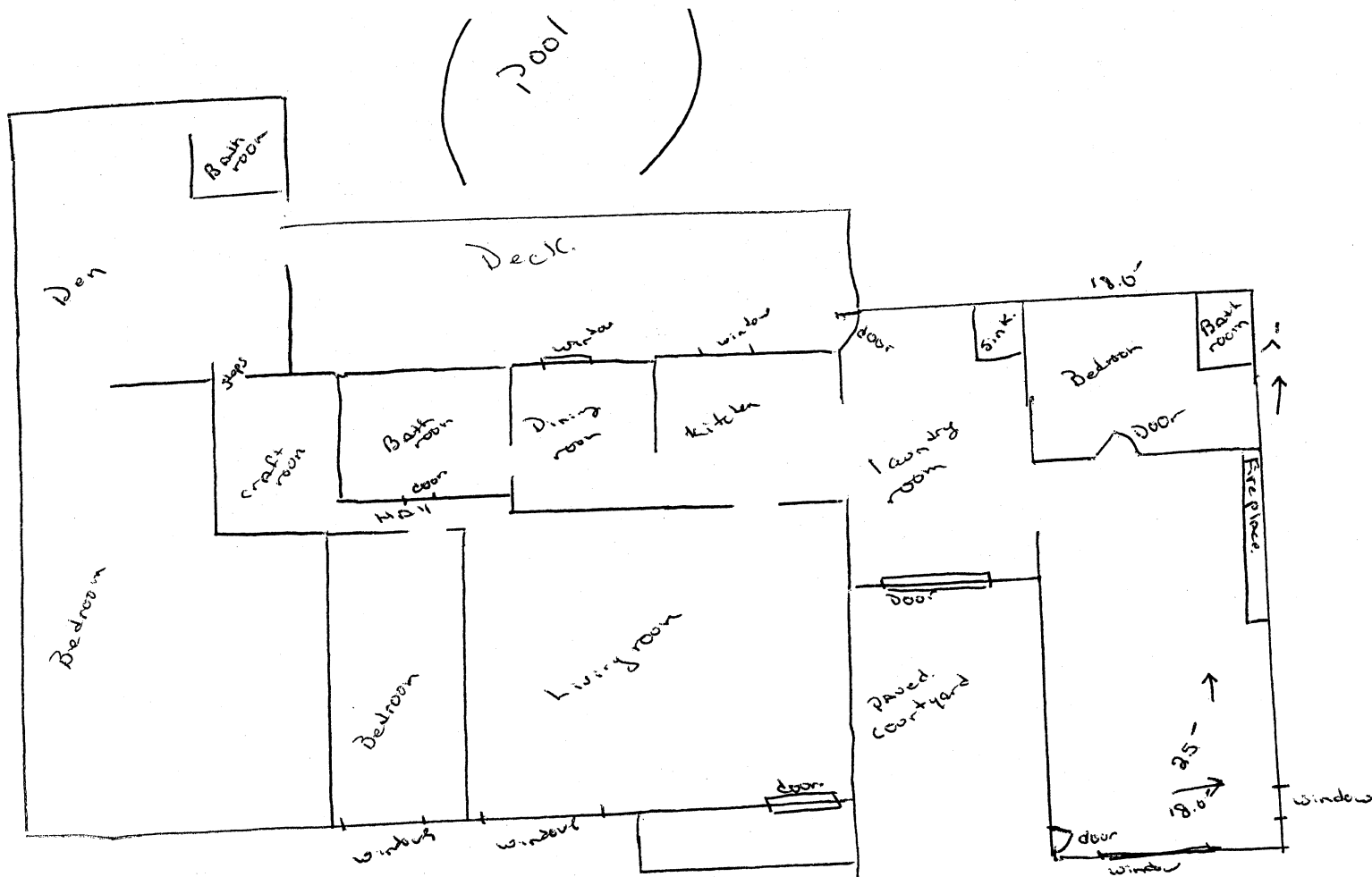
At this time one side of my fence is still chainlink, I intend to have that replaced with standard 6 foot wooden privacy fence to match the other sides that border my neighbors properties. This will provide a better buffer against any noise my dogs may make while playing.

RECEIVED

SEP 9 2005

PLANNING DIVISION
COUNTY OF YORK


9 Sept 2005

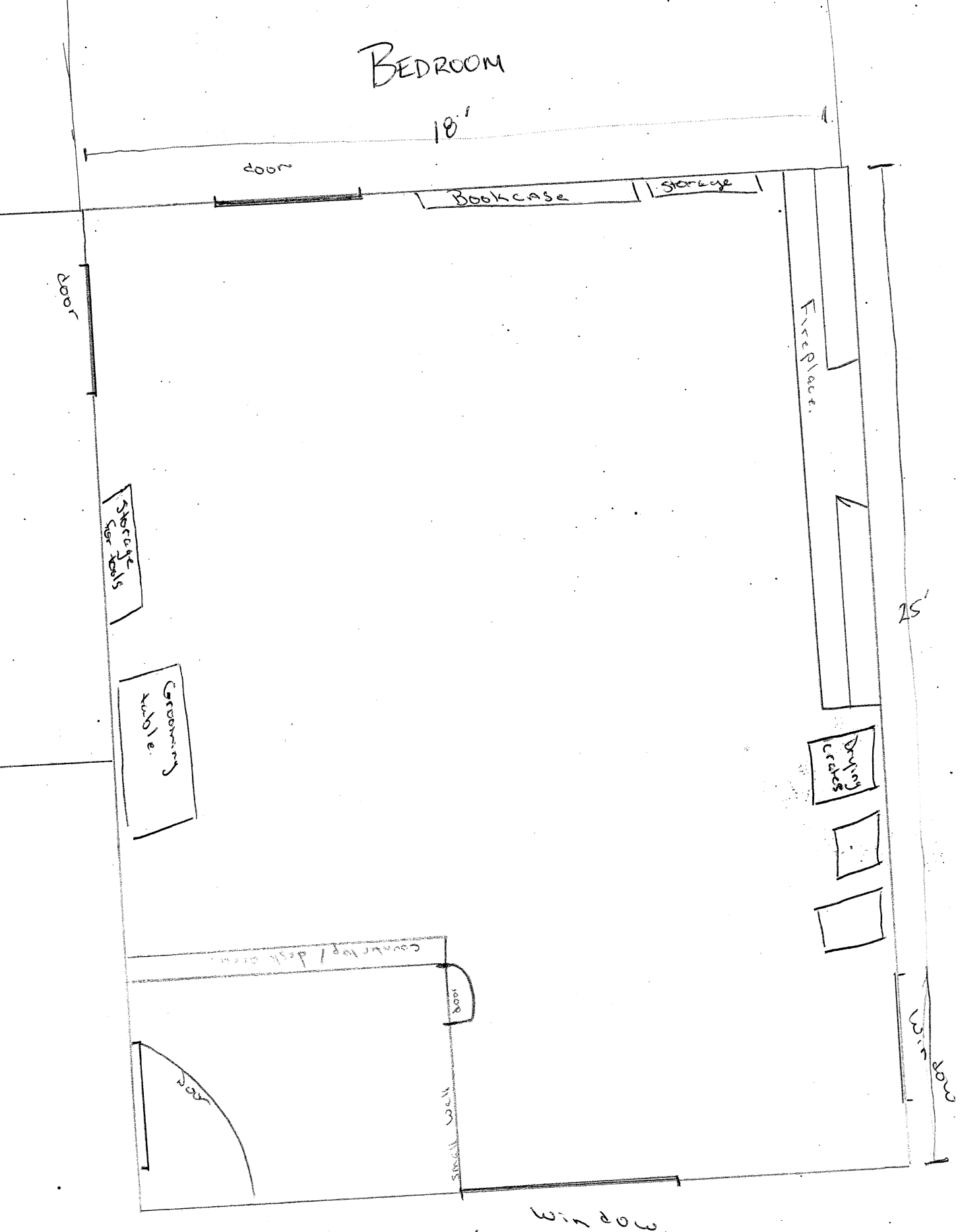


FLOOR PLAN

→
 The room I will
 use for grooming
 18' x 25'

FLOOR PLAN

BEDROOM



ROOM SKETCH

Window.

UP-679-05 TRACEY A. SMITH CONTACT LOG

DATE	NAME ADDRESS PHONE #	COMMENT
08-19-05	Ann Copeland 226 Rich Road 460-2261	Inquired about permit. Had no problems with permit
08-19-05	Paula Nemergut 103 Rich Road	Inquired after seeing the sign and had no problem with the grooming business, as long as it was not a kennel operation. She said others in the neighborhood were anxious about a possible kennel. She will report back to them that it is not a kennel.
09-06-05	Mary Clark 107 Rich Road 867-8151	Concerns that Ms. Smith has eleven dogs that she owns, breeds, and shows. Also had concerns about additional traffic on Rich Road.
09-13-05	Paula Nemergut 103 Rich Road 867-9231	Doesn't want a kennel in the neighborhood. Too much noise directly in front of her house. Can hear them now when they are let out. Fine with the pet grooming, but does not want 12 dogs living across the street.
09-22-05	Paula Nemergut 103 Rich Road 867-9231	Letter detailing concerns with kennel. Okay with pet grooming.
09/30/05	Barbara D. Lundin St. Marys, Georgia 912-882-9321	Letter of support as previous neighbor to the Smiths and the dogs they owned.
10/03/05	Sean M. Smith 48 Lodge Road Poquoson, Virginia 868-0267	Letter of support. Spoke of applicant's ethics, commitment to dogs, and the healthy environment she provides for them.
10/03/05	Steven Buser 94 Jefferson Valley Coatesville, Indiana 46121 317-440-3722	Letter of support. Owns Chinese Crested show dogs and spoke of applicant's care for her dogs.
10/03/05	Janie Morrison-Buser 94 Jefferson Valley Coatesville, IN 46121	Letter of support. Owns and breeds Chinese Crested show dogs and has occasionally boarded dogs with applicant for "a week of tanning and exercise" before a show. Spoke of applicant's excellent reputation on the show circuit.

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

—

Present

Vote

Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND DENIAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A PRIVATE KENNEL AND APPROVAL
OF THE HOME OCCUPATION FOR A PET GROOMING SALON AT
106 RICH ROAD.

WHEREAS, Tracey A. Smith has submitted Application No. UP-679-05 requesting a two-element Special Use Permit, pursuant to Sections 24.1-306 (Category 2, Number 6) and 24.1-283 of the York County Zoning Ordinance, to authorize a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2005, that it does hereby transmit Application No. UP-679-05 to the York County Board of Supervisors with a recommendation of denial to authorize a private kennel and a recommendation of approval to authorize as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847) subject to the following conditions:

1. This use permit shall only authorize the establishment of a pet grooming salon as a home occupation within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24 (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847).
2. The conduct of the home occupation shall be limited to approximately 450 square feet, which is shown on the house survey sketch plan filed with the application.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to no more than five days per week from 8:30 AM and 5:30 PM, with case-by-case private appointments only between 5:30 PM and 8:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
8. In accordance with the terms of the Zoning Ordinance, a minimum of two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A PRIVATE KENNEL AND AS A HOME OCCUPATION A PET GROOMING SALON AT 106 RICH ROAD.

WHEREAS, Tracey A. Smith has submitted Application No. UP-679-05 requesting a two-element Special Use Permit, pursuant to Sections 24.1-306 (Category 2, Number 6) and 24.1-283 of the York County Zoning Ordinance, to authorize a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2005, that it does hereby transmit Application No. UP-679-05 to the York County Board of Supervisors with a recommendation of approval to authorize a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24. (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847) subject to the following conditions:

1. This use permit shall authorize the establishment of a private kennel and as a home occupation a pet grooming salon within a single-family detached dwelling on a 0.86-acre parcel of land located at 106 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-1-24 (GPIN S03B-2848-4863) & 36A-1-23A (GPIN S03B-2788-4847).
2. The private kennel shall be limited to a maximum of twelve (12) dogs that are six (6) months or older in age. No commercial kennel operation, such as overnight boarding, training, or renting shall take place on the property.
3. The twelve (12) dogs shall be licensed according to York County requirements and confined to the property.
4. Outside activity for the dogs shall be limited to the designated run area specified on the survey plan "Plat of Property of Patrick N. Smith; Lot 24 & Part of Lot 23 Addition #1 to Rich Acres; York County, Virginia" prepared by Becouvarakis and Assoc., Planning Commission; Land Surveying; Hampton, Virginia on 6/2/05. The designated run area will be cleaned daily to remove animal waste. The designated run shall be treated to control pests a minimum of twice a year.
5. The dogs shall be restricted to outside activity Monday through Sunday only during the hours of 7:00 AM to 8:30 AM, 2:00 PM to 5:00 PM, and 6:00 PM to 8:00 PM.
6. The property owner shall admit, or cause to be admitted, to the property at any reasonable time, with or without prior notice, the Code Compliance Officer or any designee of the County Administrator of York County for the purpose of monitoring compliance with the conditions of this permit.
7. The private kennel Special Use Permit shall expire upon either of the following to occur:
 - a. Transfer of ownership of the land by any means to other than the applicants or the survivor of them
 - b. Termination of residence by the applicants or the survivor of them at 106 Rich Road, Yorktown, Virginia.
8. The conduct of the home occupation shall be limited to approximately 450 square feet, which is shown on the house survey sketch plan filed with the application.

9. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
10. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
11. The days and hours of operation shall be limited to no more than five days per week from 8:30 AM and 5:30 PM, with case-by-case private appointments only between 5:30 PM and 8:00 PM.
12. No more than one (1) customer at any one time shall be served within the applicant's home.
13. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
14. In accordance with the terms of the Zoning Ordinance, a minimum of two (2) off-street parking spaces shall be provided on the premises to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
15. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.